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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the fifth periodic report of Fiji

Constitutional, legislative and institutional framework

1. In view of the information provided in paragraphs 1.28 to 1.32 of the fifth periodic report of the State party (CEDAW/C/FJI/5),[1] in accordance with the obligations of the State party under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide updated information on whether the State party has adopted a comprehensive anti-discrimination law that contains a definition of discrimination against women, in accordance with article 1 of the Convention, encompassing both direct and indirect discrimination and covering all areas of the Convention. Please also indicate whether the law recognizes and prohibits multiple and intersectional discrimination. Please indicate any procedures put into place for the effective implementation, monitoring and enforcement of anti-discrimination legislation. Please provide information on any instances in which the Convention has been invoked by individuals or applied directly or referred to in court proceedings in the State party.

2. According to information before the Committee, some legislative provisions that are discriminatory vis-à-vis women remain valid. Please indicate whether the State party is taking any steps to bring such legislation into full conformity with the Convention. According to information before the Committee, village by-laws are being introduced that are reported to legitimize patriarchal attitudes, highly discriminatory practices towards women and gender-based violence. Please elaborate on any steps taken to harmonize all local by-laws with statutory law and

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the fifth periodic report of the State party.

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ensure alignment with the Convention, and on any awareness-raising and sensitization campaigns to address those practices.

3. Please provide updated information on the Human Rights and Anti-Discrimination Commission of Fiji. With regard to the information provided in paragraph 2.86 of the report of the State party, please provide updated information on the human, technical and financial resources allocated to the Commission. Please indicate the steps taken by the State party to transform the Commission into a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

Women human rights defenders

4. According to information before the Committee, several laws, including Public Order (Amendment) Decree 2012 and Media Industry Development Decree 2009, as well as the frequent obstacles placed on meetings and marches, obstruct the work of human rights defenders, including women human rights defenders. Please indicate whether the State party has any intention to take measures, including legislative amendments, to remove barriers encountered by human rights defenders, including women human rights defenders, and to ensure that they can operate without undue restrictions. Please also indicate whether any legislation is in place that addresses violence towards and the harassment of human rights defenders specifically.

National machinery for the advancement of women

5. Please elaborate on any steps taken to conduct gender impact assessments of new legislation and policies systematically. Please also indicate whether there is any intention on the part of the State party to conduct a gender impact assessment with regard to existing legislation and policies and make any necessary amendments to bring them into full compliance with the Convention. Please indicate whether the State party is envisaging increasing the resources allocated to implement the national gender policy of Fiji and to the women's plan of action.

Gender stereotypes and harmful practices

6. In the light of previous concluding observations of the Committee (see CEDAW/C/FJI/CO/4), please provide detailed information on specific measures in place to counter stereotypical attitudes towards women and girls, including with regard to those women and girls who experience multiple forms of discrimination owing to their ethnicity, age, disability or other characteristics and to combat stereotypes that foment attitudes towards son preference, which, according to information before the Committee, inter alia, leads to boys and men frequently being given preference, including with regard to the distribution of food.

Gender-based violence against women

7. In accordance with the State party's obligation under the Convention, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls, including trafficking and sexual and other types of exploitation, in the public and private spheres, please provide information on the resources allocated to the implementation of the Domestic Violence Decree and provide up-to-date data on reports, prosecutions and convictions, as well as measures taken to prevent any form of gender-based violence against women, the incidence of which is particularly high. Please also provide information on any measures taken to train relevant professionals, in particular, health and law

enforcement professionals, to identify victims of gender-based violence against women and on the guidelines for responding to intimate partner violence and sexual violence against women and girls. In that regard, please also indicate any measures taken to increase the number of female front-line officers. Please also provide information on any steps taken to repeal the right to administer reasonable punishment, currently recognized in the Juveniles Act 1974.

8. Please provide updated information on the development of the national standard operating procedures for responding to cases of gender-based violence and the resources planned for conducting the intended training sessions on the protocol. In that regard, please also elaborate on any additional steps taken to ensure that traditional apologies such as *bulubulu* (reconciliation and forgiveness ceremony) are explicitly prohibited and under no circumstances accepted as mitigating factors and/or reparation for gender-based violence against women, and to further strengthen the implementation of the "no-drop" policy, whereby cases brought to court are pursued even after the customary pardon is given to the perpetrator. According to information before the Committee, sentences for perpetrators of gender-based violence against women are often lenient, including non-custodial sentences or probation. Please provide information on any measures taken to combat gender bias in the judiciary, and indicate whether any training sessions are provided to the judiciary on the gravity of gender-based violence against women and whether any legal amendments are envisaged to establish a minimum sentence that is commensurate with the gravity of that crime and to increase the issuance of domestic violence-related restraining orders. According to information before the Committee, while domestic violence-related restraining orders are very rarely issued to protect women victims of gender-based violence, men have, in several cases, used the gender-neutral Domestic Violence Decree to obtain residential domestic violence-related restraining orders against their female partners, leading to the removal of the women from the matrimonial home. Please elaborate on that development and indicate whether the State party is taking any measures to ensure that the Domestic Violence Act is not misused for such purposes. Please also elaborate on any awareness-raising measures taken to encourage victims of gender-based violence against women to report cases, and to dismantle all notions of victim-blaming. Furthermore, according to information before the Committee, there have been cases where women who report gender-based violence are charged with giving false information to a public servant, in order to punish and intimidate them. Please provide additional information on such cases and any efforts to prevent any forms of punishment and intimidation of victims of gender-based violence against women. Please also provide additional information on any measures taken to support victims of gender-based violence against women, such as a 24-hour hotline, appropriate shelters, legal aid, reintegration measures and access to physical and mental health services.

9. According to information before the Committee, the rate of sexual abuse of girls is very high. Please indicate the policies and measures adopted to prevent the sexual exploitation of women and girls, including women and girls with disabilities in particular, in the domestic sphere. Please also indicate whether the State party is envisaging taking any measures to ensure access to emergency contraception throughout the State party. Please provide information on the availability of post-exposure prophylaxis and whether health facilities have rape crisis departments and/or focal points.

10. Please indicate whether the State party is taking any steps towards amending the Crimes Decree in order to ensure that the definition of rape is centred on the absence of free and fully voluntarily given consent and the defence for having sexual relations with a child between 13 and 16 years of age when there is

reasonable cause to believe that the victim was 16 years of age or older is abolished. According to information before the Committee from a study, there have been several cases where girls in iTaukei villages who had been raped were forced to marry their rapist. Please indicate whether the State party is taking any steps, including awareness-raising, to stop such a practice, rescue and protect girls who have been forced into such marriages and punish perpetrators.

Trafficking and exploitation of prostitution

11. According to information before the Committee, the State party is a source, destination and transit country for women and girls who are subjected to sex trafficking and forced labour. Please provide information on any efforts made to establish formal procedures to identify victims of trafficking, rescue them and provide them with protection. In accordance with the State party's obligation under the Convention, and in line with target 5.2 of the Sustainable Development Goals, please provide statistical data on the prosecution, conviction and acquittals of suspected perpetrators of trafficking and also indicate the resources allocated to anti-trafficking training of the police. Please elaborate on the impact of anti-corruption measures on the prosecution of perpetrators.

12. According to information before the Committee, foreign women in prostitution have been deported without prior screening for vulnerability to being trafficked. Please indicate whether any legal measures are in place to ensure that women in prostitution are not criminalized or penalized. The Committee has also received information indicating that women are pressured into prostitution by circumstances such as unemployment, divorce and the failure of alimony debtors to pay. Please elaborate on the following:

- any specific measures taken by the State party to combat those circumstances;
- exit programmes for women in prostitution;
- any education-related measures taken to eliminate the demand for prostitution and the objectification of women and girls;
- the resources allocated to those measures.

According to information before the Committee, there have been cases of families selling their daughters into prostitution, in particular after Cyclone Winston. Please indicate whether there has been any prosecution of the participants in such transactions and whether the girls who were sold have been rescued, received access to shelter and mental and physical health services and been reintegrated into society. Please also provide information on any measures in place and/or envisaged to combat the sexual exploitation of girls living in the street and to provide them with accommodations. Please provide information on sex tourism, and in particular as it affects women and girls, in the State party and measures taken to combat it.

Participation in political and public life

13. Please provide additional information on any measures taken and/or envisaged to increase the participation of women in political life with a view to increasing it to 50 per cent, including by establishing a quota. Please also provide data on the representation of women in the national diplomatic service and in international organizations. Please indicate whether any measures are in place and/or envisaged to increase the participation of women from ethnic minority groups in political and public life. Please also indicate whether the State party is envisaging taking measures to monitor and assess the implementation of the national gender policy and the women's plan of action relating to the participation of women in public and

political life. In addition, please indicate whether violence against women who are participating in political and public life is specifically prohibited by law.

Education

14. Please describe the steps taken to review textbooks and materials at all levels of education in order to eliminate references that maintain or reinforce patriarchal gender stereotypes. Please indicate any measures taken to ensure mandatory, age-appropriate sex education at all stages of the education system, including on the patriarchal aspects of sexual relations between men and women. According to information before the Committee, pregnant girls and adolescent mothers are frequently forced to drop out of school. Please provide information on any measures envisaged, including of a legislative nature, to fully prohibit any form of expulsion of pregnant girls and adolescent mothers and provide them with the necessary support to continue their education and to combat any form of discrimination and/or stigma against them. According to information before the Committee, the school enrolment rate of girls in rural areas is significantly lower than that in urban areas, inter alia, because their parents cannot afford the cost of school materials. Please provide updated information on any measures taken to support those families in addition those referred to in paragraph 1.97 of the report of the State party.

Employment

15. Please provide information on the full range of measures taken to address the occupational segregation of men and women in employment, including the concentration of women in low-wage jobs. Please also provide information on the availability and affordability of childcare facilities, which allow employees, in particular, female employees, who, owing to patriarchal attitudes towards the role of women in the family, are particularly affected, to reconcile work and family life; and whether the State party is envisaging taking any measures to encourage fathers to take paternity leave. According to information before the Committee, there have been cases where pregnant women have been released from employment. Please clarify whether such a release is fully prohibited and indicate any measures taken to ensure that women who report such an occurrence will not be subjected to any form of reprisal when wishing to re-enter employment. Please also provide information on the implementation of legislation protecting women from sexual harassment at work.

16. According to information before the Committee, a high number of women are engaged in unpaid and informal work. In line with general recommendation No. 16 (1991) on unpaid women workers in rural and urban family enterprises and general recommendation No. 17 (1991) on the measurement and quantification of the unremunerated domestic activities of women and their recognition in the gross national product, and in line with target 5.4 of the Sustainable Development Goals, to recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate, please provide information on any measures taken to ensure that women engaged in unpaid work or in the informal sector, both in rural and urban areas, have access to non-contributory social protection. In that regard, please also elaborate on any specific measures taken to protect older women who are not able to engage in any form of work from falling into poverty.

Health

17. According to information before the Committee, 39 per cent of women think that they must have the permission of their husband or partner before they seek health care. In line with the statement by the Committee on sexual and reproductive

health and rights, please indicate any steps taken to fully decriminalize abortion, legalize it at least in cases of rape, incest, threat to the life and/or health of the mother or severe fetal impairment and ensure access to safe and good-quality abortion. Please also provide information on access to safe and good-quality post-abortion care, including in cases of abortion that are not legal under the State party's legislation. Please indicate whether the State party is considering removing the necessity for parental consent when accessing contraception, and considering conducting awareness-raising campaigns, in particular, among health professionals, to dismantle the stigma of premarital sexual relations, with a view to reducing the high number of teenage pregnancies. Please also indicate the resources allocated to adolescent health development clinics. According to information before the Committee, there have been cases where unmarried women have been denied contraception or health professionals have requested a husband's consent to allow his wife to access contraception. Please indicate the steps taken, including by conducting training for health professionals, to address those phenomena.

Social and economic benefits

18. According to information before the Committee, women, including many female heads of household, are particularly at risk of poverty, frequently owing to harmful cultural norms according to which women do not have access to bank accounts, money or assets. Please provide information on specific awareness-raising campaigns conducted to dismantle such harmful cultural norms and economic structural measures taken to reduce poverty and improve the economic livelihood of women. Please also indicate whether the State party is envisaging or taking targeted measures, such as special microcredit and low-interest credit schemes, technical assistance and counselling to increase the access of women to loans and financial credit and promote their entrepreneurial activities.

Rural women

19. According to information before the Committee, rural women, in particular, are exposed to patriarchal norms and have insufficient income-earning possibilities to build an independent life. In the light of the statement in paragraph 2.85 of the report of the State party and in line with general recommendation No. 34 (2016) on the rights of rural women, please provide information on any measures taken to increase the participation of rural women in political and public life; enhance their access to justice and provide them with protection, support and assistance when they are subjected to gender-based violence; and ensure their access to employment, land ownership and management, in addition to economic opportunities. With reference to the information provided in paragraph 2.47 of the report, please also provide information on any measures taken to ensure that rural women have access to health services in reasonable vicinity.

Lesbian, bisexual, transgender and intersex women and girls

20. Please provide information on the safeguards in place to protect lesbian, bisexual, transgender and intersex women and girls from discrimination at school. In the light of reports that a boarding school student was ordered to be a day scholar as a result of being perceived as a lesbian, please provide updated information on whether the student has been able to return to the boarding school and has received any form of compensation. Please provide additional information on whether there have been any other cases where students have suffered from any discriminatory treatment by the school administration for being, or being perceived as, lesbian, bisexual, transgender or intersex.

Indigenous women and women from minority groups

21. Please provide comprehensive information on the situation of women from ethnic minority groups in the State party. According to information before the Committee, indigenous women are frequently excluded from the decision-making process in connection with the distribution of indigenous land. In line with target 5.a of the Sustainable Development Goals, to undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws, please elaborate on any measures taken or envisaged to ensure the equal participation of women in all decision-making processes on all issues in connection with indigenous land.

Women with disabilities

22. Given the absence of information in the State party's report, please provide information on any measures taken to remove all barriers to women with disabilities to the labour market, health care and educational institutions; prevent violence against women with disabilities; and adapt centres providing aid and support to the victims of violence to the needs of women with disabilities. Please also indicate any steps taken to facilitate the transition of women and girls with disabilities from institutional care to community-based social service alternatives.

Disaster risk reduction and climate change

23. In line with target 13.3 of the Sustainable Development Goals, to improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning, and target 13.b, to promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities, and with reference to the national climate change policy, please indicate any efforts made by the State party:

(a) to ensure that the development and implementation of policies and programmes relating to the mitigation of disasters (including cyclones and flooding), disaster preparedness, post-disaster management, response to disasters, the impact of climate change and other emergencies are based on a comprehensive gender analysis;

(b) to ensure that the equal participation of women and girls, in particular, those who reside in low-lying coastal areas, in policy and programme-making processes in that regard is guaranteed.

Please also specify whether such policies and programmes also include measures that ensure that women:

- are not subjected to discrimination when accessing livelihood support following disasters;
- are protected against gender-based violence against women in evacuation centres;
- are adequately represented in disaster preparedness and response structures;
- are taught how to swim and climb beginning in early childhood.

Please also indicate whether the State party ensures that humanitarian assistance includes all items necessary for sexual and reproductive health, including female hygiene.

Marriage and family relations

24. Please provide information on any measures taken to increase the implementation of the Family Law Act . Please also elaborate on any measures taken to raise awareness of the law and on the possibility to settle disputes in Family Court.

Optional Protocol and amendment to article 20 (1) of the Convention

25. Please indicate any progress made towards the ratification of the Optional Protocol to the Convention and towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.